

TCEQ Interoffice Memorandum

To: Mr. Sam Barrett, Waste Section Manager
TCEQ Region 4 Office

From: Ms. Merrie Smith, Manager
VCP-CA Section, Remediation Division

Date: November 8, 2016

Subject: Request for Region to Investigate F.J. Doyle Salvage Facility located at (b) (6) (b) (6) (905 N. Poplar Street), Leonard, Fannin County, Texas
TCEQ SWR No. 80951; EPA ID No. TXD980865109; Customer No. CN600359095;
Regulated Entity No. RN100649227

Site Background

The geographic coordinates of the 0.6-acre F.J. Salvage Facility (site) are Latitude 33° 23' 23" North, Longitude 96° 14' 34" West. The site is bordered to the north by Cottonwood Street and a residential area, to the east by Poplar Street and the Leonard High School facility, to the south by an alleyway and two more residences. One of the facilities located southwest of the site is the school district day care center. The facility previously conducted salvage operations by stripping out-of-service power transmission transformers for recoverable metals starting in 1974 to 1999. The site has subsequently been used as a vehicle repair and tire shop. The facility is a registered industrial solid waste generator and transporter facility (SWR. 80951). The facility also had an air operating permit for operation of a heat cleaning unit at the site.

Sampling activities conducted in the early 1990's by the TNRCC and U.S. EPA documented releases of polychlorinated biphenyls (PCB)-contaminated soils on-site (concentrations ranging from <1.0 mg/kg to 2,300 mg/kg) and on off-site adjacent properties (concentrations of PCB's ranging from <1.0 mg/kg to 4,100 mg/kg). The sampling activities also documented metals, solvent and petroleum hydrocarbon impacts. The full extent of the contamination associated with former operations associated with the facility since the early 1990's has not been determined. The VCP-CA Section initiated entry of the case into the CA program in 2006 in response to a notice dated April 24, 2006 received by the TCEQ IHW Registration and Reporting Team, requesting the inactivation of the IHW registration associated with the facility.

Outstanding Compliance Issues (TCEQ Remediation Division, Corrective Action program)

The TCEQ issued a letter dated March 30, 2015 to representatives of F.J. Doyle Salvage and requested the submittal of the *Waste Management Unit (WMU) Closure Report* to support the proposed inactivation of the facility's registration, and required the submittal of an *Affected Property Assessment Report (APAR)* to document the assessment and cleanup of contamination associated with the facility as required by 30 TAC 350 (Texas Risk Reduction Program rules). Several prior status update letters requesting the submittal of the WMU Closure Report and APAR were issued by the TCEQ to representatives of F.J. Doyle Salvage in letters dated July 14, 2006, January 26, 2007, and September 5, 2008.

We have received an *APAR* and *WMU Closure Report* (dated May 27, 2015) on October 13, 2015 and October 12, 2015, respectively, submitted in response to TCEQ letter dated March 30, 2015. TCEQ issued a letter dated November 16, 2015 approving the closure of WMU No. 003 (Miscellaneous Storage Containers; ref. as dumpster for plant trash), but directed F.J. Salvage representatives to prepare and submit a *Revised WMU Closure Report* to provide additional information to document the closure of WMU No. 001 (Miscellaneous Storage Containers; ref. as stored on a concrete pad) and WMU No. 002 (Thermal Processing Unit). The TCEQ also issued a notice of deficiency (NOD) letter dated January 12, 2016 in response to review of the October 2015 *APAR* and also re-iterated the TCEQ's prior directive (TCEQ letter dated November 16, 2015) to submit a *Revised WMU Closure Report for WMU No. 001 and 002*. The January 12, 2016 TCEQ letter specifically directed representatives of F.J. Doyle Salvage to submit the previously requested *Revised WMU Closure Report* for WMU No. 001 and 002 and to submit a *Revised APAR* to document completion of the following activities:

1. Provide an updated site reconnaissance of the property to document current site conditions, and determine areas warranting investigation/release verification.
2. Assess the overall physical security of the property to ensure the site is adequately protected with regard to potential risk posed by contamination on the property to potential trespassers on the property.
3. Complete an investigation to complete the delineation of the full extent of PCB, metals, and petroleum hydrocarbon contamination.
4. Re-assess previously sampled areas to document compliance with current data usability requirements and assess current environmental conditions.
5. Complete a required field receptor survey.
6. Evaluate the behavior of contaminants in relation to drainage conditions at the site
7. Complete a groundwater assessment.
8. Evaluate the site for ecological exposure pathway.

TCEQ has been attempting to obtain the *Revised APAR* and *Revised Closure Report* for WMU No. 001 and 002, but has received nothing from Doyle family representatives since issuance of the January 12, 2016 TCEQ letter. The October 2015 *APAR* was also noted to provide only a re-submittal of the soil sampling data previously documenting in the prior 1990 TNRCC and U.S. EPA investigation report associated with the facility. The TCEQ has also been coordinating with representatives of the U.S. EPA (Mr. Jim Sales) for these past several years specific to responsible party obligations under Toxic Substances Control Act (TSCA) for the PCB contamination associated with the site.

Representatives of F.J. Doyle Salvage have the continuing obligation to ensure that municipal hazardous waste and industrial solid waste are managed in a manner which does not cause the discharge or imminent threat of discharge of waste into or adjacent to waters in the state, a nuisance, or the endangerment of the public health and welfare, as required by 30 TAC §335.4. Our review of the TCEQ files indicates that this facility has not completed closure of WMU No. 001 and 002 in accordance with the requirements of 30 TAC §335.8. The facility has also not completed the required assessment/remediation of existing contamination issues associated with former operations associated with the site in accordance with the requirements of 30 TAC §350. As such, representatives of F.J. Doyle Salvage may be in violation of the Texas Water Code § 26.121 - Unauthorized Discharges Prohibited. Section 26.121 states that "except as

authorized by rule, permit, or order issued by the commission, no person may discharge sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state." F.J. Doyle Salvage's failure to submit documents and/or implement work required within the schedule set by the TCEQ is in violation of agency regulations and potentially subject to enforcement actions under Chapter 7 of the Texas Water Code.

Request for TCEQ Region 4 Assistance

The TCEQ Corrective Action program is requesting assistance from the Region 4 Office to initiate a compliance investigation of the F.J. Doyle Salvage property to document the current regulatory compliance status of the facility with the industrial solid waste and hazardous waste regulations and to ascertain if initiation of enforcement action is appropriate. Compliance investigation efforts are recommended to consist of the following activities:

1. Perform a site reconnaissance of the property (with supporting photographs) to document the following:
 - o confirm status of existing waste management and operation activity,
 - o confirm location and condition of WMUs associated with TCEQ SWR No. 80951,
 - o determine presence/absence of waste streams associated with registration and any remaining transformers remaining on the property,
 - o identify additional areas of concern warranting investigation/release verification, and
 - o assess current overall physical security of the property (i.e., condition of existing fencing, locks, etc.) to ensure the site is adequately protected with regard to potential trespassers on the property.
2. Perform media sampling of the property such as the collection and analysis of shallow soil samples for target COCs (PCBs, metals, petroleum hydrocarbon), if feasible, at accessible locations surrounding former waste management units (WMU Nos. 001 and 002) and other areas of concern identified during the site reconnaissance to document the current status of environmental contamination associated with the property and supplement prior 1990's investigation data.
3. Perform file review to confirm existing outstanding issues and determine the overall regulatory compliance status of F.J. Doyle Salvage site with the industrial solid waste and hazardous waste regulations.

The contact for the F.J. Doyle Salvage facility is currently Mr. Danny Doyle, a son of deceased owner of the facility (Mr. Frank J. Doyle). The only direct contact information on file for Mr. Danny Doyle is the following email address: (b) (6) (current as of December 2015). Mailing address is (b) (6) Leonard, TX 75452. Another son of the deceased owner of the facility, Mr. Gary Doyle, was the former manager of the facility (phone (b) (6) current as of 2006). Unfortunately, his whereabouts and current contact information are unknown. A review of tax records for the property (parcel ID No. 89301, 905 N. Poplar, Leonard, TX 75452) indicated payment of taxes on the property has been paid for 2016 (current assessed value of the property is \$26,320. [Link to the Fannin County property search for the parcel is: <http://esearch.fannincad.org/Search/Result?keywords=doyle%2C%20leonard%2C%20tx>]

A chronological record of correspondence from TCEQ to representatives of F.J. Doyle Salvage regarding efforts to secure a complete *WMU Closure Report* and *APAR* (ref. Enclosure 1), copies of the original October 2015 *APAR* and *Closure Report* (ref. Enclosure 2), copies of the 1998 *TNRCC Screening Site Inspection Report* and May 1997 *EPA Preliminary Assessment Report* documenting the only sample investigation activities associated with the site (Enclosure 3) are attached to this IOM in hard copy and provided in electronic portable document form (pdf) on the enclosed CD. Please direct any questions regarding this request to Ms. Eleanor Wehner of my staff at (512) 239-6542, Mail Code MC-127.

Merrie Smith, Manager

ETW/mdh

Enclosures: Enclosure 1-Copies of TCEQ letters dated January 12, 2016, November 16, 2015, and March 30, 2015 (including copies of prior referenced TCEQ comment and/or status update request letters dated June 18, 2010, September 5, 2008 and January 26, 2007, July 14, 2006)

Enclosure 2- Copy of October 2015 *APAR* and October 2015 *Closure Report*

Enclosure 3-Copy of 1998 *TNRCC Screening Site Inspection Report* and May 1997 *EPA Preliminary Assessment Report*

Enclosure 4-CD providing PDF of correspondence provided in Enclosure 1, 2 and 3 of the November 3, 2016 IOM

cc: Mr. Sam Barrett, Waste Section Manager, TCEQ Region 4 Office, Dallas

Enclosure 1

Copies of TCEQ letters dated January 12, 2016, November 16, 2015, and March 30, 2015
(including copies of prior referenced TCEQ comment and/or status update request letters dated
June 18, 2010, September 5, 2008 and January 26, 2007, July 14, 2006)

Enclosure 2

Copy of October 2015 *APAR* and October 2015 *Closure Report*

Enclosure 3

Copy of 1998 TNRCC Screening Site Inspection Report and May 1997 EPA Preliminary Assessment Report

Enclosure 4

CD providing PDF of correspondence provided in Enclosure 1, 2 and 3 of the November 3, 2016 IOM